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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/725,802	12/02/2003	Michael Joseph Washburn	139682UL (15276US01)	3317

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EXAMINER

CHOW, DOON Y

ART UNIT	PAPER NUMBER
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2629

DATE MAILED: 11/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/725,802	Applicant(s) WASHBURN, MICHAEL JOSEPH	
	Examiner Dennis-Doon Chow	Art Unit 2629	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 September 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-3, 5-8, and 11-20 rejected under 35 U.S.C. 103(a) as being unpatentable over Tynan (6213945) in view of Gaughan et al. (5589893).

Regarding to claims 1, 2, 7, 12, 13, 14, 18, 19, Tynan discloses a medical diagnostic ultrasound imaging system comprising a trackball 120 for controlling the medical diagnostic ultrasound imaging system (col. 2, lines 29-47).

Tynan does not explicitly disclose the trackball remotely controls system.

Gaughan discloses a remote trackball device and a method for operating a display (imaging) system, comprises: moving a trackball in a handheld trackball (mousing) device (see Fig. 6); means for transmitting a command based on movement of the trackball to display (imaging) system from the handheld device, and adjusting a setting or function of the display (imaging) system based on the command (col. 4, line 40 to col. 5, line 11).

In light of Gaughan, it would have been obvious to one of ordinary skill in the art to use Gaughan's remote trackball in Tynan's system as a user interface 120 because the remote trackball allow the user to move free while controlling system.

Regarding to claim 3, Gaughan further discloses the moving step comprises depressing (clicking) the trackball (col. 4, lines 28-34).

Regarding to claims 5, 11, 15, 16, 17, Gaughan further discloses the handheld device including a remote keypad (46, Fig. 2).

Regarding to claims 6, 8, Gaughan further discloses pressing a button on the handheld device to trigger a display (imaging) system command (col. 5, lines 5-8).

Regarding to claim 20, Gaughan does not explicitly disclose using a fastener in the handheld device to for attaching the device to the user. However, it is well known in the art to use a fastener such as a clipper to attach a handheld electronic device such as a cellular phone to a user. Thus, it would have been obvious to one of ordinary skill in the art to use a fastener in Gaughan's device to attach the device to the user so the handheld device can be reached when it is needed.

Regarding to claims 21-22, Gaughan further discloses the device is integrated with the keypad imaging instrument (46, see Fig. 2 and col. 3, lines 5-8).

3. Claims 4 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tynan in view of Gaughan et al. as applied to claims 1 and 7 above, and further in view of Chang (5298919).

The modified Tynan does not disclose having a wheel on the device.

Chang, in the same input field, discloses mounting a wheel (18, Fig. 1) on a handheld device for inputting additional movement to a display system.

In light of Chang, It would have been obvious to one of ordinary skill in the art to use Chang's wheel in the device of the modified Tynan so that additional movement can be inputted to the system of the modified Tynan.

4. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tynan in view of Gaughan et al. as applied to claim 7 above, and further in view of applicant's admitted prior art.

The modified Tynan does not disclose the using of a voice command. However, it is well known in the art to use a voice to generating a command. Applicant's admitted prior art, for example, teaches this well known voice command (see page 3, [3]). Thus, it would have been obvious to one of ordinary skill in the art to use the well known voice command in the system of the modified Tynan so that a command signal can be generating with the use of the user's voice.

Response to Arguments

5. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

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§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dennis-Doon Chow whose telephone number is 571-272-7767. The examiner can normally be reached on 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sumati Lefkowitz can be reached on 571-272-3638. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Dennis-Doon Chow
Primary Examiner
Art Unit 2629

D. Chow
November 22, 2006